

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

WILCO TRADING LLC,

Plaintiff,

v.

Case No. 8:20-cv-579-TPB-JSS

SHAHAR SHABAT and
EL SALES CORP.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Julie S. Sneed, United States Magistrate Judge, entered on March 8, 2021. (Doc. 24). Judge Sneed recommends “Plaintiff’s Motion for Default Final Judgment for Money Damages and Permanent Injunctive Relief” (Doc. 22) be granted in part and denied in part. Specifically, Judge Sneed recommends that final default judgment be entered in favor of Plaintiff Wilco Trading LLC, and against Defendants Shahar Shabat and EL Sales Corp., as to Counts III and IV in the amount of \$166,357.68 in compensatory damages, and that the remaining counts be dismissed without prejudice. Judge Sneed further recommends that the requests for injunctive relief, attorney’s fees, statutory damages, exemplary damages, and punitive damages be denied. Neither Plaintiff nor Defendants filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must "make a de novo determination of those portions of the [report and recommendation] to which an objection is made." 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Sneed's report and recommendation, the Court adopts the report and recommendation. Consequently, "Plaintiff's Motion for Default Final Judgment for Money Damages and Permanent Injunctive Relief" is granted in part and denied in part.

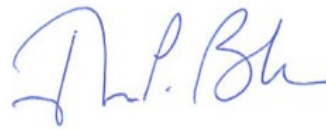
Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Sneed's report and recommendation (Doc. 24) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) "Plaintiff's Motion for Default Final Judgment for Money Damages and Permanent Injunctive Relief" (Doc. 22) is hereby **GRANTED IN PART** and **DENIED IN PART**.
- (3) The motion is **GRANTED** to the extent that the Court finds that Plaintiff is entitled to final default judgment as to Counts III and IV.

- (4) The motion is otherwise **DENIED**.
- (4) The Clerk is **DIRECTED** to enter final default judgment in favor of Plaintiff Wilco Trading LLC, and against Defendants Shahar Shabat and EL Sales Corp., as to Counts III and Count IV of the complaint (Doc. 1) in the amount of \$166,357.68 in compensatory damages.
- (5) Counts I and II of the complaint are **DISMISSED WITHOUT PREJUDICE**.
- (6) Following the entry of judgment, the Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 25th day of March, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE